

SUPERIOR COURT OF NEW JERSEY

CHARLES J. WALSH
JUDGE



BERGEN COUNTY JUSTICE CENTER
HACKENSACK, NJ 07601-7689
(201) 527-2690

SUPERIOR COURT BERGEN COUNTY
FILED

JAN - 3 2005

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DEPUTY CLERK

January 3, 2005

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RE: IN RE: DIET DRUG LITIGATION
Master Docket No. BER-L-13379-04MT
MARINA DeROSA v. WYETH, INC.
Docket No. BER-L-1517-04MT

Dear Counsel:

On December 17, 2004, Mark R. Cuker, Esq. expressed concern over whether the Court had considered the November 15, 2004 deposition testimony of Dr. Neal F. Skop with respect to Marina DeRosa when it rendered its December 9, 2004 Letter Opinion. The concern is understandable in light of footnote 21 in that Letter Opinion noting that "[b]y agreement of counsel, Dr. Skop's testimony was

by Affidavit only.”¹ The Court recalled reviewing Dr. Skop’s testimony² and advised Mr. Cuker that it would amend its Letter Opinion to indicate that this review had taken place. This Letter Opinion is designed to accomplish that purpose.

Consistent with both Affidavits, Dr. Skop testified in his deposition that the echocardiogram he reviewed had both an excessive gain setting and a Nyquist limit of 51 cm/sec which he agreed was “a minimal acceptable level.” He conceded that the size of the regurgitant jet by color Doppler is significantly affected by both the Nyquist limit and the gain setting. He further indicated that with respect to his mitral valve evaluations, he initially used length and not the required area measurements. The area measurements were discussed in his deposition and subsequent Affidavit. Finally, at his deposition, Dr. Skop conceded that much of the jet area he identified was, in fact, laminar flow and once it was removed the RJA/LAA ratio would fall below 20% -- the cutoff for MMR.

The Court amends its Letter Opinion of December 9, 2004 to reflect these additional findings.

Very truly yours,


Charles J. Walsh, J.S.C.

CJW/len
Encl.

¹ The Court’s notes reveal that the deposition testimony was reviewed prior to the Court’s December 9, 2004 Letter Opinion. The first page of Dr. Skop’s deposition with some of those notes is enclosed with this Letter Opinion.

² The reference should have been to Dr. Skop’s second Affidavit which was required because Dr. Sherrid’s report, the independent expert, was not available at the time of his deposition testimony.

Group 3 Eligibility - skop, M.D. 11-15-04

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2 SUPERIOR COURT OF NEW JERSEY
3 BERGEN COUNTY - LAW DIVISION
4 DOCKET NO. BER-L-7718-03 MT
5 -----

6 In re: DIET DRUG LITIGATION
7 VENUED IN BERGEN COUNTY

8 Monday, November 15, 2004
9 -----

10 Videotape examination of NEAL F. SKOP,
11 M.D., held in the offices of WILLIAMS &
12 CUKER & BEREZOWSKY, One Penn Center, 1617
13 JFK Boulevard, Suite 800, Philadelphia,
14 Pennsylvania 19103, commencing at 9:20
15 p.m., on the above date, before Mickey
16 Dinter, Registered Professional
17 Reporter and Commissioner of Deeds for the
18 Commonwealth of Pennsylvania.

19 -----
20 BRUSILOW & ASSOCIATES
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22 135 South 19th Street
23 Philadelphia, PA 19103
24 215.564.1717
www.brusilow.com

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